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Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

CHIEN CHUNG CHEN,
a/k/a ANDREW CHEN,
Defendant.

CASE NO. CR 11-0166 RS

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE SENTENCING HEARING**

The defendant Chien Chung Chen, a/k/a Andrew Chen, was charged by Information on March 22, 2011 with one count of violation of the Sherman Antitrust Act, 15 U.S.C. § 1. Mr. Chen was charged for his participation in a price-fixing conspiracy involving aftermarket auto lights. The Honorable Richard Seeborg accepted Mr. Chen's guilty plea on June 7, 2011, and scheduled Mr. Chen to be sentenced on December 13, 2011. The parties on September 22, 2011 agreed to continue Mr. Chen's sentencing hearing until July 17, 2012 at 2:30 p.m. Judge Seeborg confirmed the continuance of Mr. Chen's sentencing by judicial order dated September 22, 2011.

Attorneys for the United States and for Mr. Chen have conferred and have agreed to continue Mr. Chen's sentencing hearing until October 16, 2012 at 2:30 pm. Under Mr. Chen's plea agreement, which is pursuant to Fed. R. Crim. P. 11(c)(1)(B), Mr. Chen is obligated to continue to cooperate with the government's ongoing investigation and prosecution relating to price-fixing in the aftermarket auto lights industry. Under Mr. Chen's plea agreement, the United States may move for

1 a downward departure pursuant to U.S.S.G. § 5K1.1 if the United States determines that Mr. Chen
2 has provided substantial assistance in any investigations or prosecutions.

3 The government's investigation of price-fixing in the aftermarket auto lights industry is
4 ongoing and a trial is scheduled to begin on June 18, 2012 (*United States v. Eagle Eyes Traffic*
5 *Industrial Co., Ltd. et al.*, CR 11-0488 RS, Superseding Indictment filed November 29, 2011).
6 Postponing Mr. Chen's sentencing hearing from December 13, 2011 to October 16, 2012 will allow
7 the United States to fully evaluate and advise the Court as to Mr. Chen's cooperation and substantial
8 assistance.

9 Pursuant to Crim. L.R. 32-2(a)(2) and (3), the parties have conferred with United States
10 Probation Officer Cheryl L. Simone, who is assigned to this case, and with Courtroom Deputy
11 Corrine Lew. Ms. Simone agrees to this continuance and is available on October 16, 2012. Ms. Lew
12 has advised that October 16, 2012 is available on Judge Seeborg's calendar.

13
14 **SO STIPULATED.**

15 Dated: February 21, 2012

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17 By: /s/ Douglas Fuchs
18 Douglas Fuchs
19 GIBSON, DUNN & CRUTCHER LLP
20 Attorney for Defendant
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1 Dated: February 21, 2012

2 /s/ Howard Parker

3 Howard J. Parker
4 Jacklin Chou Lem
5 May Lee Heye
6 Kelsey C. Linnett
7 Antitrust Division
8 U.S. Department of Justice
9 450 Golden Gate Avenue
10 Box 36046, Room 10-0101
11 San Francisco, CA 94102
12 Tel: (415) 436-6660; Fax: (415) 436-6687
13 Jacklin.lem@usdoj.gov

14 Attorneys for the United States

15 **ATTORNEY ATTESTATION**

16 Pursuant to General Order 45, I, Douglas Fuchs, hereby attest that concurrence in the filing of
17 this document has been obtained from Howard J. Parker.


18 DATED: February 21, 2012

19 By: /s/ Douglas Fuchs
20 Douglas Fuchs

1 ~~PROPOSED~~ ORDER

2 For good cause shown, sentencing in the matter, *United States v. Chien Chung Chen a/k/a*
3 *Andrew Chen*, CR 11-166 RS, is continued to October 16, 2012 at 2:30 p.m.

4
5 Dated: 2/22/12

6 
7 Honorable Richard Seeborg
8 United States District Court Judge

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